

**IN THE UNITED STATES DISTRICT COURT OF THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: DIGITEK LITIGATION

MDL NO. 1968

THIS DOCUMENT APPLIES ONLY TO:

**Edward G. Elias, Individually and as
Representative of the Estate of Pearl
Louise Elias, and for all Wrongful
Death Beneficiaries,**

No. 2:09-cv-01041

Plaintiff,

v.

Actavis Totowa, LLC, et al.,

Defendants.

PLAINTIFFS' COUNSELS' NOTICE TO THE COURT

Plaintiffs' attorneys Walter L. Boyaki and Hadley A. Huchton file this their notice in response to the Court's Order dated November 4, 2010 that they have no authority to proceed with the case and all decision making authority has been withdrawn by the wrongful death beneficiaries of Pearl Louise Elias.

Plaintiffs' attorneys seek the Court's guidance as to the need for them to appear before the Court on November 17, 2010.

Plaintiffs' counsel have now filed a Motion to Withdraw from representation of the Plaintiffs due to the conflicts between them and the Plaintiffs as well as internal conflicts among the wrongful death beneficiaries of Pearl Louise Elias.

Plaintiffs' counsel petition the Court for relief so as to avoid further conflicts with the Plaintiffs regarding a large expense for legal fees and costs that will need to be incurred for counsel to appear personally in West Virginia.

Wherefore, Plaintiffs' counsel pray the Court sign their motion to withdraw and allow the Plaintiffs to proceed pro se and excuse Plaintiffs' counsel from appearance in Court.

DATED: November 12, 2010.

Respectfully submitted,

/s/ Walter L. Boyaki
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CERTIFICATE OF SERVICE

I certify that on the 12th day of November, 2010, the above and foregoing was forwarded to all attorneys of record by use of the Court's CM/ECF system.

/S/ Walter L. Boyaki
WALTER L. BOYAKI